

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SHAWN MAXWELL,

Plaintiff,

v.

LISA PACIONE, *et al.*,

Defendants.

Case No. 1:24-cv-00409-JLT-CDB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT'S MOTION FOR  
ATTORNEY'S FEES AS MODIFIED

(Docs. 53, 62, 65)

Shawn Maxwell, proceeding pro se, initiated this action with the filing of a complaint on April 5, 2024. (Doc. 1.) On October 10, 2024, the Court dismissed claims against David Leon, granted his request for fees under anti-SLAPP, and directed Leon to file any request for fees, supported by declarations and records, within 14 days. (Doc. 52.) On October 17, 2024, Defendant filed his motion for fees. (Doc. 53.) When counsel for Defendant did not file billing records with the motion for fees, on December 12, 2024, the Court ordered counsel to file them. (Doc. 61.) Counsel did so. (Doc. 62.) Plaintiff did not file an opposition. On January 14, 2025, the assigned magistrate judge issued Findings and Recommendations granting the motion. (Doc. 65.)

In the Findings and Recommendations, the assigned magistrate judge found that counsel for Defendant was entitled to an award of attorney's fees but recommended a reduction in the requested award given that counsel for Defendant's billing records included vague entries. *Id.* at

7. The assigned magistrate judge calculated the lodestar figure for attorney's fees as \$9,844 and declined to adjust it upwards or downwards, as Defendant did not request adjustment of the lodestar and Plaintiff did not file an opposition. *Id.* at 10.

The Court served the Findings and Recommendations on the parties and notified them that any objections were due within 14 days. *Id.* at 10-11. The Court advised the parties that the "failure to file any objections within the specified time may result in the waiver of certain rights on appeal." *Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued January 14, 2025 (Doc. 65), are **ADOPTED** in full.
2. Plaintiff's motion for fees (Docs. 53, 62) is **GRANTED** in the modified amount of \$9,844.

IT IS SO ORDERED.

Dated: **February 6, 2025**

  
UNITED STATES DISTRICT JUDGE